REMARKS

The Applicant does not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Advisory Action dated September 7, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. The Advisory Action dated September 7, 2005 affirmed the rejection of Claims 1-20.

Claims 1-16 are rejected under the provisions of 35 U.S.C. §112, first paragraph, for defining subject matter that is not contained in the disclosure as originally filed. Specifically, the Examiner states the specification to the present invention lacks support for the local broadcast facility having a filter. As previously discussed, the Applicant, does not agree.

The Applicant, respectfully, asserts that the Examiner appears to be making contradictory statements. For example, on page 4 of the Advisory Action, the Examiner asks why the statement "just portions of the datacasts that they want delivered" on page 7 of Motorola is not filtering. The question posed by the Examiner appears to contradict this rejection. The Examiner denies that the specification of the present application for invention defines filtering within the local broadcast facility. The local broadcast facility as defined by the specification on page 15, beginning on line 14 to contain the data retrieval controller 160 that retrieves data from the broadcast data sources and stores the data in the appropriate broadcast, multicast or unicast queue under control of the transmission controller. The transmission controller receives and stores the user preference information and determines the size and contents of the broadcast, multicast or unicast queue. The Applicant, asserts, that this is filtering. The Examiner refers to this procedure (filtering of the data and storing in the appropriate broadcast, multicast or unicast queue) as a merely relaying data. This is at most a syntactical argument, equivalent perhaps to a high pass filter not filtering high frequency signals but merely relaying the high frequency signals. Moreover, the Examiner's apparent stance regarding the above discussed statement on page 7 of Motorola seems to contradict the

statements made in making the rejection.

The Applicant would like to further draw the Examiner's attention to the transmission controller as described on page 14, line 11-page 16, line 5 of the specification. The transmission controller receives and stores user preference information and determines the sizes and the contents of the broadcast block queue, the multicast block queue and the unicast block queue (page 15, lines 1-14). The retrieval controller, under control of the transmission controller, retrieves data from the broadcast data sources and stores the data in the appropriate of the broadcast block queue, the multicast block queue or the unicast block queue (page 15, lines 8-18). The Applicant, respectfully, submits that this is clearly filtering that is being done by the retrieval controller under control of the transmission controller to filter the broadcast data according to user preference information into the broadcast block queue, the multicast block queue or the unicast block queue.

In an effort to move this case towards allowance, the foregoing amendment to the claims has replaced the term "content filtering processor" with "controller" within Claim 1. Claim 9 did not contain the subject matter "content filtering processor" and the Applicant does not understand why Claims 9-16 are included in this rejection. The Applicant submits that this amendment obviates this rejection.

In answer to the Examiner's question regarding the statement is "just portions of the datacasts that they want delivered to their PC's hard drive" on page 7 of Motorola not filtering. The answer is no. This statement refers to all three types of network sessions (broadcast, multicast and unicast) being possible in the same service. The Applicant requests that the Examiner specifically point out where there is filtering occurring within this passage from Motorola.

Regarding the Examiner's requests for explanations regarding how data casts are tailored by Motorola and how one does send data cast without filtering, apparently Motorola is silent to these features.

Regarding Official Notice that the Examiner has taken for using queues or placeholders for data casting, or an order of transmission, the Examiner states that U.S. Patent No. 5,898,687 in the name of Harriman et al. shows queues for multicasting and uni-casting that are priority based. The Examiner's position is that Harriman et al. disclosing priority based

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queues in multicasting and uni-casting renders obvious all uses of queues within a system that performs multicasting and uni-casting. The Applicant, respectfully, disagrees. Harriman et al. teach storing a single copy of each multicast data and to replicate only an address pointer for that memory location for each destination of the multicast connection (see col. 4, lines 56-61). There is no disclosure or suggestion within Harriman et al. for a transmission controller capable of causing a first of the transmission queues to be transmitted in a broadcast transmission receivable by all and further capable of causing a second transmission of queues to be transmitted in a multicast transmission, wherein selected portions of web page data in the second transmission queue are receivable by only selected subgroups of the plurality of data storage apparatuses. Harriman et al. teach only to transmit a replicate of an address pointer for that memory location for each destination of the multicast connection. Therefore, there remain features within the rejected claims that are not found within the cited references. The Applicant does not concur with the Examiner's reasoning that any disclosure of the use of queues for multicast transmission renders all uses obvious.

The Advisory Action on the bottom of page 2 requests that the Applicant explain how does a receiver receive anything from the broadcasting station if they are not "local". In response, the Applicant, respectfully point out that the Applicant has the right to be his own lexicographer. The term "local broadcast facility" is defined within the specification of the present invention in Fig. 1 and the discussion related thereto on pages 11, line 11-page 16, line 6 of the specification. The Examiner is obligated to employ the definition that is supplied by the specification to the present invention. Accordingly, the term "local broadcast facility" is defined within the specification and the cited references do no disclose or suggest a "local broadcast facility" as defined by the specification to the present invention.

The Advisory Action affirms the rejection of Claims 1-16 under the provisions of 35 U.S.C. §103(a) as being unpatentable over "Integrated Data-casting Solutions for Digital TV (6/1999)" published by Motorola Inc. (hereinafter referred to as Motorola) in view of U.S. Patent No. 6,182,050 issued to Ballard (hereinafter referred to as Ballard).

The rejection contends that Motorola discloses a storage medium for storing selected portions of transmitted data cast streams wherein a content filtering processor which is based on a user profile and caching of content is accomplished by the apparatus. The Applicant,

respectfully, points out that the foregoing amendment to the claims has amended the subject matter defined by rejected Claim 1 to define a controller within the local broadcast facility capable of receiving a first datacast stream transmitted by the television broadcast system and detecting therein a plurality of datacast blocks, the controller employs a first content parameter associated with a first one of the datacast blocks with at least one subscriber-specific parameter associated with the data storage apparatus and the controller, in response to a determination that the first content parameter matches said at least one subscriber-specific parameter, stores said first datacast block in said storage medium. The Applicant respectfully points out that there is no "local broadcast facility" within the cited references that can be seen as disclosing or suggesting the "local broadcast facility" defined by the present invention.

Therefore, this rejection is traversed.

The foregoing amendment was made to correct terminology is not a narrowing amendment and therefore should have no effect upon the interpretation of equivalents for the claims so amended.

The combination of Ballard with Motorola does not disclose or suggest receiving a first datacast stream and detecting in the first datacast stream a plurality of datacast blocks by comparing a first content parameter associated with a first one of the datacast blocks with at least one subscriber-specific parameter associated with a first one of the data storage apparatuses and storing the first datacast block in a storage medium associated with the first data storage apparatus.

The Applicant, respectfully, points as taught by the present invention, wherein the content is filtered at a local broadcast facility. Motorola discloses multicasting that can be tailored, but the tailoring is accomplished at a specific, targeted PC, not at the local broadcast facility as taught by the present invention.

The rejection maintains that Motorola discloses on page 11-12 that the filtering is accomplished according "user's view history back to the TV station over the internet", therefore, filtering is not provided by the user's apparatus, but accomplished remote form the user, wherein system targets either groups, sub-groups even specific users, based on demographic and user profiles. The Applicant, respectfully, disagrees. Motorola discusses interactive viewing on pages 11-12. In fact the disclosure of Motorola generally pertains to interactive viewing which is a basic premise of Motorola. Pages 11-12 of Motorola discuss a system that provides a content

filter within the PCs of users. Motorola teaches the type of system that is discussed in the beginning of the specification to the present invention wherein large amount of data are stored in users PC. Motorola is silent regarding the features of the present invention wherein a local broadcast facility receives transmissions from a broadcast data source, stores broadcast blocks, multicast blocks and unicast blocks in separate queues before and transmission. Simply put, Motorola does not address filtering features that are contained within the local broadcast facility. Motorola address filtering features that are contained within the users PCs.

The Examiner states that Motorola teaches at pages 11-12 that filtering is accomplished as a result of the user's viewing history being sent back to the TV station over the internet. The Applicant, respectfully, disagrees with this assertion contained in the Office Action. The Applicant, respectfully, points out that pages 11-12 of Motorola discuss the user's viewing history being sent back to the TV station over the internet, however, there is no filtering by the any TV broadcast station discussed by Motorola. Motorola clearly states that on pages 11-12 that the user's viewing history is sent back to the TV station to better gauge the reach of digital advertising and viewership. The Applicant requests that the Examiner point to any section of Motorola that discusses filtering being accomplished as a result of the user's viewing history being sent back to the TV station over the internet.

The Examiner states that Ballard teaches the concept that an advertising service provider sends executable filter programs which run on the end user computer, wherein the filter need not be downloaded, wherein the end user computer determines whether a corresponding advertisement is to be downloaded and displayed. The Applicant respectfully asserts, as stated above, that the claims to the present invention pertains to a content filter that is provided at a local broadcast station and not on a PC of a user.

The Advisory Action affirms the rejection of Claims 17-20 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Motorola. Regarding Claims 17-18, the Examiner states that Motorola discloses the limitations associated with a TV broadcasting system capable of transmitting data-cast streams to a plurality of storage apparatuses. The Examiner has taken official notice that providing queues or placeholders for data casting, or an order of transmission, operating as such as a FIFO or other type of ordering device is well known. The Applicant respectfully asserts that the official notice taken by the Examiner is in error. It is not well know to provide it is well known to provide the order of transmission as defined by the

rejected claims. Regarding official notice that the Examiner has taken for using queues or placeholders for data casting, or an order of transmission, the Examiner states that U.S. Patent No. 5,898,687 in the name of Harriman et al. shows queues for multicasting and uni-casting that are priority based. The Examiner's position is that Harriman et al. disclosing priority based queues in multicasting and uni-casting renders obvious all uses of queues within a system that performs multicasting and uni-casting. The Applicant, respectfully, disagrees. Harriman et al. teach storing a single copy of each multicast data and to replicate only an address pointer for that memory location for each destination of the multicast connection (see col. 4, lines 56-61). There is no disclosure or suggestion within Harriman et al. for a transmission controller capable of causing a first of the transmission queues to be transmitted in a broadcast transmission receivable by all and further capable of causing a second transmission of queues to be transmitted in a multicast transmission, wherein selected portions of web page data in the second transmission queue are receivable by only selected subgroups of the plurality of data storage apparatuses. Harriman et al. teach only to transmit a replicate of an address pointer for that memory location for each destination of the multicast connection. The Applicant, respectfully, asserts that none of the references cited for implementing queues disclose or suggest the implementation of queues as defined by the rejected claims. Therefore, there remain features within the rejected claims that are not found within the cited references. The Applicant does not concur with the Examiner's reasoning that any disclosure of the use of queues for multicast transmission renders all uses obvious.
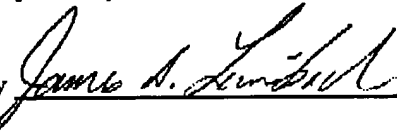
The Applicant respectfully points out that Motorola on page 6 discusses that content can cached on a server where it can be branded and scheduled for broadcast. There is no disclosure, or suggestion, within Motorola for the provision of multiple caches as recited by the rejected claim. Accordingly, this rejection is respectfully, traversed.

In an effort to move this case towards allowance, Claim 17 has been amended to clearly define the selective storing of retrieved web page data in a broadcast block queue, a multicast block queue or a unicast block queue. This subject matter is not disclosed or suggested by the cited references.

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Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By _____

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